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Poll Challengers, Poll Checkers, and Election Observers

☒ **What is a poll challenger?**

A poll challenger is a representative of a political party who may make a request of an election board member to "challenge" any person offering to vote. The challenged person, unless the challenge is withdrawn, shall stand aside and may not vote unless the challenged person signs an affidavit in front of the election inspector that the voter is a legally qualified voter of the precinct.

☒ **What is a poll checker?**

Although there is no legal definition of a poll checker, they are commonly used by political parties to monitor voter turnout at a polling location.

☒ **What is an election observer?**

An election observer is a nonpartisan individual wishing to monitor the administration of the election. The law permits these people to observe but not interfere with those marking their ballot or with officials performing their duties.

☒ **How many poll challengers and poll checkers may be at the polls?**

Three poll challengers and any number of poll checkers from each political party represented on the election board are entitled to be in attendance at each polling place.

☒ **How many election observers may be at the polls?**

Although there is no official limit on how many election observers may be at the polls, the election inspector has the right to limit the number based on space restrictions.

☒ **How are poll challengers and poll checkers selected?**

Poll challengers and checkers are appointed by the District Chairman of each political party represented on the election board.

☒ **How are election observers selected?**

Election observers are selected by the organizations they represent. Election observers must wear a name badge indicating their identity and affiliation, however there are no residency restrictions for these individuals.

☒ **What are the qualifications of poll challengers and poll checkers?**

Poll challengers and checkers must be qualified voters of the legislative district in which they are assigned. No poll challenger or checker may be a member of the election board.

☒ **May poll challengers, poll checkers, and election observers leave the polls?**

Yes. These individuals are not members of the election board and may be replaced at any time during voting hours.

☒ **How close can poll challengers, poll checkers, and election observers be to the election board?**

No legal constraints determine the location these individuals may occupy in relation to the election board. However, poll checkers and election observers may not interfere with the election process or with members of the election board. The election inspector may direct poll challengers, checkers, and election observers to a particular location in the polling place.

☒ **What does the North Dakota law say about poll challengers, poll checkers, and election observers?**

16.1-05-06. Challenging right to vote – Identification or Affidavit required - Penalty for false swearing - Optional poll checkers.

1. Three poll challengers appointed by the district chairman of each political party represented on the election board are entitled to be in attendance at each polling place. Individual poll challengers may be replaced at any time during the hours of voting, but no more than three poll challengers from each political party are entitled to be in attendance at each polling place at any one time.
2. Any member of the election board may challenge the right of an individual to vote if the election board member has knowledge or has reason to believe the individual is not a qualified elector. A poll challenger may request members of the election board to challenge the right of an individual to vote if the poll challenger has knowledge or has reason to believe the individual is not a qualified elector of the precinct. A challenge may be based upon any one of the following:
 - a. The individual offering to vote does not meet the age or citizenship requirements.

- b. The individual offering to vote has never voted in the precinct before, the name of the individual offering to vote does not appear in the pollbook generated from the central voter file, and the individual fails to provide reasonable evidence of residency in the precinct.
 - c. Except as provided in section 16.1-01-05, the individual offering to vote physically resides outside of the precinct.
 - d. The individual offering to vote does not meet the residency requirements provided in section 16.1-01-04.
 - e. The individual offering to vote fails or refuses to provide an appropriate form of identification as requested under subsection 3.
3. If after an election board member has requested that the individual offering to vote provide an appropriate form of identification to address any of the voting eligibility concerns listed in subsection 2 and the identification is not provided or does not adequately confirm the eligibility of the challenged individual, the challenged individual may not vote unless the challenged individual executes an affidavit, acknowledged before an election board member, that the challenged individual is a legally qualified elector of the precinct.
 4. The affidavit must include:
 - a. The name of the affiant.
 - b. The address of the affiant.
 - c. The birth date of the affiant.
 - d. The contact telephone number of the affiant.
 - e. The address of the affiant at the time the affiant last voted.
 - f. The previous last name of the affiant if it was different when the affiant last voted.
 - g. The identification number and state of any state-issued identification regardless of the state in which the identification was issued, if available.
 - h. A recitation of the qualifications for voting as set forth in section 16.1-01-04 and the rules for determining residence.
 - i. Notice of the penalty for making a false affidavit and that the county auditor is required to verify the affidavit.
 - j. A notice indicating that the affidavit is not an open record, but that information identifying who voted after executing an affidavit is an open record as part of the pollbook, except for any individual listed as secured active in the central voter file under section 16.1-02-13.
 - k. A place for the affiant to sign and swear to the affiant's qualifications as a voter.
 5. Written notice of the penalty for making a false affidavit and that the county auditor shall verify the affidavits must be prominently displayed at the polling place in a form prescribed by the secretary of state. An individual who falsely swears in order to vote is guilty of a class A misdemeanor and must be punished pursuant to chapter 16.1-01.
 6. The district chairman of each political party represented on the election board may appoint poll checkers to a polling place, provided the poll checkers do not interfere with the election process or with the members of the election board in the performance of

their duties. Poll checkers must be qualified electors of the district in which they are assigned.

7. No poll challenger or checker may be a member of the election board.
8. The district chairman shall notify the county auditor of each county contained in the legislative district one day before the day of the election of the names of individuals whom the district chairman has appointed to serve as poll challengers and poll checkers in the precincts in the legislative district.

16.1-05-09. Election observers.

1. Election observers must be allowed uniform and nondiscriminatory access to all stages of the election process, including the certification of election technologies, early voting, absentee voting, voter appeals, vote tabulation, and recounts.
2. An election observer must wear a badge with the name of the individual and the name of the organization the individual is representing. An election observer may not wear any campaign material advocating voting for or against a candidate or for or against any position on a question on the ballot. An election observer may not interfere with any voter in the preparation or casting of the voter's ballot or hinder or prevent the performance of the duties of any election official.